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**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET**

WASHINGTON, D.C. 20503

July 19, 1989

URGENT

OCA FILE

LEGISLATIVE REFERRAL MEMORANDUM**TO: Legislative Liaison Officer -**

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DSF (Heng)
HHS Lewis

SUBJECT: State's draft testimony regarding the foreign policy implications of biological weapons proliferation. A hearing is scheduled for July 26, 1989, before the Senate Judiciary Committee.

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than 12:00 NOON, ~~Friday, July 21, 1989~~ Today July 25, 1989

Questions should be referred to SUE TRAU/ANNETTE ROONEY (395-7300), the legislative analyst in this office, or to JEFF ASHFORD (395-3920).

Ronald K. Peterson

RONALD K. PETERSON FOR
Assistant Director for
Legislative Reference

Enclosures

CC: C. Boyden Gray
D. Taft
B. Clandinin

T. Thiele
S. Dotson
N. Nounon

URGENT

**STATEMENT TO THE
SENATE JUDICIARY COMMITTEE
ON
THE FOREIGN POLICY IMPLICATIONS OF BIOLOGICAL WEAPONS
BY
H. ALLEN HOLMES
ASSISTANT SECRETARY FOR POLITICO-MILITARY AFFAIRS
DEPARTMENT OF STATE
JULY 26, 1989**

INTRODUCTION

Mr. Chairman, Members of the Senate Judiciary Committee:

I am pleased to appear before you today to discuss the foreign policy implications of biological weapons (BW) proliferation. I welcome the interest demonstrated by the Committee in this problem at this time. A disturbing and dangerous trend has emerged in the recent past in the increasing efforts by states to acquire biological weapons. The technology to produce them is improving apace, and the agents themselves are becoming ever more threatening.

I should like to state from the outset that the United States is adamantly opposed to the development, production, or use of biological weapons. We have renounced any biological weapon capability of our own and we are committed to doing all we can to eliminate these weapons from the world's arsenals.

In this respect, we find useful the efforts of the Congress to formulate domestic criminal legislation against those who would develop or produce biological weapons or assist foreign nations to acquire them. We are presently studying the language

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of the draft legislation to determine where we can contribute to the drafting process. I would defer to my distinguished colleague from the Department of Justice for specific comments on the substance of the draft legislation

Now I would like to give you some background on the development of U.S. policy on biological weapons and on the present state of play in this area. I will then describe how we are working to achieve our goal of eliminating these weapons.

BACKGROUND

There are two international agreements relating to biological and toxin weapons, both of which have proven inadequate to prevent their proliferation. The 1925 Geneva Protocol prohibits the first use in war of chemical and biological weapons, but not their development, production, possession or transfer. The 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons, commonly known as the Biological and Toxin Weapons Convention or BWC prohibits the development, production, stockpiling, acquisition, retention, and transfer of biological and toxin weapons.

The U.S. itself unconditionally renounced all aspects of biological warfare in 1969 and President Nixon ordered the Department of Defense to draw up a plan to destroy existing stocks of biological agents and weapons. In 1970, the U.S. unilateral ban was extended also to cover toxins, that is, poisonous chemicals produced by living organisms. All research

the area of biological warfare has since been confined to the development of strictly defined defensive measures, for example, development of vaccines.

BIOLOGICAL AND TOXIN WEAPONS CONVENTION

The United States followed up these unilateral actions by leading the fight for an international ban, the 1972 Biological and Toxin Weapons Convention (BWC). Article I of the BWC, confirmed by the treaty's negotiating record, prohibit the development, production, stockpiling and retention of all biological agents "that have no justification for prophylactic, protective or other peaceful purposes." Thus, research for protective and prophylactic defenses against biological weapons continued to be permissible.

The BWC was approved by the U.S. Senate on December 16, 1974 and entered into force on March 26, 1975. All U.S. military stocks of biological and toxin agents, weapons, equipment or means of delivery prohibited by the Convention had already been destroyed unilaterally, pursuant to President Nixon's instructions. Facilities in the United States which had been built and used for biological or toxin weapons purposes were converted to other use. For example, military facilities at Fort Detrick, Maryland and Pine Bluff Arsenal, Arkansas, previously used for BW activities, are now the property of the U.S. Department of Health and Human Services and are used by the National Cancer Institute and the National Center for Microbiological Research.

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manufacturing plants, particularly for biologically-derived chemicals such as toxins. Verification of the BWC, always a difficult task, has been significantly complicated by the new technology. The ease and rapidity of genetic manipulation, the ready availability of a variety of production equipment, the proliferation of safety and environmental equipment and health procedures to numerous laboratories and production facilities throughout the world, are signs of the growing role of biotechnology in the world's economy. They also make it easier for nations to produce the lethal agents banned by the Convention.

As advances are made in the field of biotechnology, the potential for using this technology for biological and toxin weapons increases commensurately. Not only has the time from basic research to mass production of lethal weapons decreased, but the ability to create agents and toxins with more optimal weapons potential has increased. Simply put, the potential for undetected breakout from treaty constraints has increased significantly.

BIOLOGICAL WEAPONS PROLIFERATION

When the BWC was negotiated, only the United States acknowledged having biological weapons. In contrast to the openness we have practiced regarding our military programs, the Soviets, to date, have never officially acknowledged having a

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biological weapons program, and in fact only admitted in 1987 having a CW program.

Today a number of countries are estimated to be working to achieve a BW capability. Our information on which states are involved in BW programs is based on extremely sensitive intelligence sources and methods and I would defer to the Intelligence Community to provide you a fuller description of these programs in closed session.

We are especially concerned about the spread of biological weapons in unstable areas and about the prospects of biological and toxin weapons falling into the hands of terrorists, or into the arsenals of those states which actively support terrorist organizations. To date, we have no evidence that any known terrorist organization has the capability to employ such weapons, nor that states supporting terrorism have supplied such weapons. However, we cannot dismiss these possibilities. If the proliferation of BW continues, it may be only a matter of time before terrorists do acquire and use these weapons.

U.S. BIOLOGICAL DEFENSE RESEARCH PROGRAM

The unilateral U.S. renunciation of BW in 1969 was accompanied by the recognition that maintaining a strong program to provide for defense against BW is essential for national security. That requirement is reflected in Article I of the Convention which permits production of biological agents and

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toxins in quantities required to develop protective measures. In today's circumstances, with the concerns about compliance, proliferation and rapid advances in biotechnology, the requirement for defensive measures is even greater than in 1969.

The BWC clearly permits research and development for protection against biological and toxin weapons. The U.S. biological defense research program is in full compliance with the provisions of the Convention. It is also open to public scrutiny. No other country even comes close in its openness.

ELIMINATING BIOLOGICAL WEAPONS

Vigorous action is needed to deal with the problems that I have just outlined. These problems are tough ones that will not be resolved easily or quickly. But we are determined to deal with them.

What do we need to do? We need to persuade states that are not parties to the BWC, particularly states in the Middle East, to renounce the option of possessing biological and toxin weapons. We have expressed our desire to have consultations with the Soviets under Article V of the BWC, and this continues to be our position. We also need to explore possible means for strengthening the international norms against biological weapons.

In addition to ensuring that states fulfill their commitments not to possess biological or toxin weapons, we must persuade additional states to make that important commitment.

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Currently more than 110 states have renounced the option of possession of biological and toxin weapons by becoming parties to the BWC. Unfortunately, while most states in the Middle East have signed or acceded to the Convention, only about half have ratified it and deposited their instruments of ratification, the legal steps necessary to become full parties to the Convention. A number of these states have said that they will not take these actions until their neighbors do so. We have recently renewed our efforts to bring all states in the Middle East into the BWC. We will persist in this attempt to break the vicious circle.

We are also carefully considering whether export controls could help reinforce our efforts to prevent the acquisition of biological and toxin weapons by other countries. However, the technical problems are daunting, overshadowing even those associated with chemical weapons control. We are examining whether an export control regime analogous to that of the 20 countries belonging to the Australian Group for controlling the export of chemical weapons precursors would be useful, but our preliminary impression is that the problem of identifying BW precursors is so difficult that such a regime is not practical. We will be discussing this with key allies who are equally concerned about the proliferation of BW.

We are also considering new and innovative approaches to making the international arms control regime for biological weapons more effective. We need to strengthen international reaction to deal effectively with proven violations of the ban

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on use embodied in the 1925 Geneva Protocol, to include international sanctions. We need additional confidence-building measures to create greater openness about biological activities, such as that practiced by the United States with respect to our defensive research program.

The United States has joined with others at the second review conference in calling for an annual exchange of information on each Party's research activities using the United States' policies on program openness as the standard. In this regard, we need to continue programs where researchers from different countries work for extended periods in each other's laboratories. By creating greater openness in these areas, we hope that the norm against biological weapons created by the BWC can be strengthened.

CONCLUSION

We must continue to strive to prevent BW proliferation by reinforcing the moral, legal and political constraints against BW and, where feasible, seek to prevent states from obtaining sensitive materials and technology for BW purposes. This will be a particularly difficult task and, quite frankly, we do not have the answers yet on how to achieve this. We know we cannot do it alone. Our efforts to constrain BW proliferation will require a sustained multilateral approach, involving both U.S. leadership and cooperation with friends and allies. The draft legislation presently under consideration could demonstrate once again our concern and leadership in this area.